

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: DECEMBER 5, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:****SPECIAL USE PERMIT**

SUP-24723 - PUBLIC HEARING - APPLICANT: JON BAKTARI - OWNER: SHIRAZI, LLC - Request for a Special Use Permit FOR A PROPOSED DELIVERY AND SERVICE VEHICLE STORAGE on 0.65 acres at 900 Stewart Avenue (APN 139-34-612-085), C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****2****City Council Meeting****0****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****0****City Council Meeting****1****RECOMMENDATION:**

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after final agenda – Support postcard
7. Submitted at meeting – Emails (3) by Mayor Goodman and photo by Greg Borgel
8. Submitted after meeting – Recordation notice of Council action and conditions of approval
9. Backup referenced from the 11-08-07 Planning Commission Meeting Item 24

Motion made by RICKI Y. BARLOW to Approve subject to conditions and adding the following conditions as read for the record:

A. There shall be no barbed wire on the site.

B. No oversized vehicles, detached trailers or food service type vehicles shall be parked on the property.

C. The owner shall rectify the substandard utility crossing cut in the public alley adjacent to this site within 60 days of approval of this Special Use Permit. All proper permits and security

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guarantees shall be obtained by the applicant in accordance with City codes and standards. No on-site activities will be permitted until the alley has been repaired.

D. There shall be a three-year review at a public hearing at City Council.

Passed For: 4; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 1

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, STEVEN D. ROSS; (Against-OSCAR B. GOODMAN, GARY REESE); (Abstain-None); (Did Not Vote-None); (Excused-LARRY BROWN)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

GREG BORGEL, 200 South 3rd Street, appeared on behalf of the applicant and accepted all conditions.

REVEREND STEVEN SMITH, Las Vegas resident, stated he resides a hundred feet from the subject property, which was cited by Code Enforcement for having ice cream trucks on the property. The trucks were finally removed on September 5, and on September 8 they applied for a special use permit. He is concerned that the tenant using this property trenched the alley. He showed a photograph showing a five-inch PVC pipe under the road which bootlegs the electricity for the ice cream trucks. As far as he knows, there is no meter and no permit. He was told by the property owner that they had the permit.

MAYOR GOODMAN noted that REVEREND SMITH wrote him an email concerning this matter and COUNCILMAN BARLOW'S office was contacted. They indicated they were aware of the situation. JORGE CERVANTES, Public Works Department, sent an email to GINA VENGLASS, Public Works Department, to notify Land Development to require the property owner to obtain the proper permits and rectify the situation.

COUNCILMAN REESE stated he cannot support this application because it is not compatible with the redevelopment downtown. These vehicles should be stored on Industrial Road area.

COUNCILMAN ROSS asked who owns the alley. BART ANDERSON, Public Works Department, replied that the alley is dedicated right-of-way to the City of Las Vegas. The Councilman asked if it would be appropriate to send someone out to verify that someone actually trenched across an alley on City property, as this is a safety issue for the public as well.

COUNCILMAN BARLOW remarked that staff is already addressing this issue and that the property owner has agreed to repair the trench according to City code.

MR. BORGEL replied he believed REVEREND SMITH'S comments, but the current property owner had no knowledge of this. Even though he did not create the trench, the property owner has agreed to make the repairs and obtain the necessary permits. He pointed out the intended use

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would be for companies that need a place to store their vehicles overnight, such as fleet vehicles or City vehicles. It will not be truck storage with barbed wire, and the applicant understands this is not appropriate. This parking lot will be used only for fleet vehicles.

COUNCILMAN REESE responded that this parking lot was put in at his request when Campaigne Place was built. He took much heat over it because the residents thought it would become an area for drug dealers and prostitutes. He went out on a limb as there was nothing in the Code regarding parking spaces. So, he had this built to accommodate staff's request, but he has never seen a vehicle parked there. City dollars have been spent to acquire property down 6th Street and 7th Street for redevelopment; therefore, he does not feel this is an appropriate use. MR. BORGEL reiterated that it is not for storage and he presented a photograph of the nice parking lot.

MAYOR GOODMAN asked MR. BORGEL if his client will still correct the situation if the application is denied. MR. BORGEL replied that he assumes he will and his client assumes he will be allowed to park there.

COUNCILMAN BARLOW thanked REVEREND SMITH for bringing the alley issue to his attention. He thanked the applicant for stepping up to fix this as well. He outlined conditions that there will be no barbed wire on the site and that the alley will be repaired prior to any licenses being issued. There will be no oversized vehicles or detached trailers, nothing larger than a 15-passenger van. He asked for a three-year review on this location should any concerns need to be addressed.

MR. BORGEL agreed to the conditions and clarified that the one condition regarding no use of property should be "no use of the property until damage is repaired".

COUNCILMAN ROSS asked that no food service type vehicles be parked on the property. COUNCILMAN BARLOW did not have a problem with adding that as a condition, as it could lead into a rodent issue.

BART ANDERSON, Public Works Department, read into the record the additional condition. MR. BORGEL agreed to the condition.

MAYOR GOODMAN declared the Public Hearing closed.